



24 MAR 2003

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|---|---|----------------------|
| In re Application of | : | DECISION ON |
| Sia et al | : | |
| Application No.: 09/647,981 | : | |
| PCT No.: PCT/CA99/00287 | : | RENEWED PETITION |
| Int. Filing Date: 07 April 1999 | : | |
| Priority Date: 07 April 1998 | : | |
| Attorney's Docket No.: 1038-1086 MIS:jb | : | UNDER 37 CFR 1.47(a) |
| For: HIV-SPECIFIC CYTOTOXIC-CELL | : | |
| RESPONSES | : | |

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 05 August 2002 that seeks the acceptance of the application without the signature of the inventor Charles D.Y. Sia.

BACKGROUND

In decision from this Office 17 June 2002, applicant's petition filed on 15 January 2002 was dismissed. The decision stated that the petition had not satisfied item (2) of 37 CFR 1.47(a).

On 05 August 2002 applicant filed "Renewed Petition Under 37 CFR 1.47(a), which includes an additional declaration by Reza Yacoob.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The petitions of 07 May 2000 and 15 January 2002 had satisfied items (1), (3), and (4) of 37 CFR 1.47(a). However, item (2) was not satisfied.

The newly submitted averments of Mr. Yacoob and the evidence provided are sufficient to support a finding that the nonsigning inventor, Mr. Sia refuses to sign the required documents. Petitioner supports this assertion by submitting a copy of the cover letter to Mr. Sia and the Express receipt signed by Mr. Sia confirming that he received the application papers on September 26, 2001.

Accordingly, the steps enumerated by Mr. Yacoob are sufficient to establish that the Mr. Sia refused to sign the declaration, and that Pele Chong refuses to sign on behalf of Charles Sia. Only joint inventor Michel H. Klein signed on the behalf of Charles D.Y. Sia.

Petitioner has satisfied items (1) - (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

A review of the application reveals that the requirements under 35 U.S.C. 371 for entry into the national stage in the US have been satisfied.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c) date of **07 May 2001**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.



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In re Application of
Sia et al
Application No.: 09/647,981
PCT No.: PCT/CA99/00287
Int. Filing Date: 07 April 1999
Priority Date: 07 April 1998
Attorney's Docket No.: 1038-1086 MIS:jb
For: HIV-SPECIFIC CYTOTOXIC-CELL
RESPONSES

Dear Mr. Sia:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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In re Application of
Sia et al
Application No.: 09/647,981
PCT No.: PCT/CA99/00287
Int. Filing Date: 07 April 1999
Priority Date: 07 April 1998
Attorney's Docket No.: 1038-1086 MIS:jb
For: HIV-SPECIFIC CYTOTOXIC-CELL
RESPONSES

Dear Mr. Pele Chong:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventors whose signatures are missing (Charles D.Y. Sia and Peter Chong) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/CA99/00287 and was filed on 07 April 1999 in the name of Charles D.Y. Sia, Pele Chong, and Michael H. Klein for the invention entitled HIV-SPECIFIC CYTOTOXIC-CELL RESPONSES. The national stage application number is 09/647,981 and has a 35 U.S.C. 371 date of 07 May 2001.